

CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

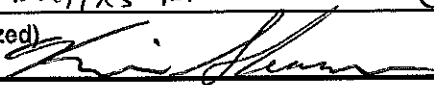
ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010	COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	<u>291 Dallas Dr. CAMPBELL, CA 95008</u>
ASSESSOR'S PARCEL NUMBER(S)	<u>41239021 412-39-022</u>
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>291 Dallas Dr. CAMPBELL CA 95008</u> <u>41239021</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)				
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>				
PRINT NAME	Kevin Shannon		DAYTIME TELEPHONE #	408-559-8600
ADDRESS	291 Dallas Dr	CITY	CAMBELL	STATE CA ZIP CODE 95008
SIGNATURE (Notarized)			DATE	9/22/10
PRINT NAME			DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE ZIP CODE
SIGNATURE (Notarized)			DATE	
PRINT NAME			DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE ZIP CODE
SIGNATURE (Notarized)			DATE	
PRINT NAME			DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE ZIP CODE
SIGNATURE (Notarized)			DATE	
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ADDRESS		CITY		STATE ZIP CODE
SIGNATURE (Notarized)			DATE	
PRINT NAME			DAYTIME TELEPHONE #	
ADDRESS		CITY		STATE ZIP CODE
SIGNATURE (Notarized)			DATE	
Use separate sheet if necessary				

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STATE OF CALIFORNIA

COUNTY OF

Santa Clara

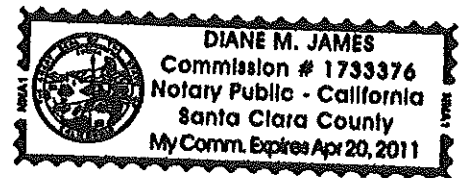
)
) ss.
)

On Sept 22, 2010 before me, Diane M. James, Notary Public, personally appeared Kevin Paul Shannon who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

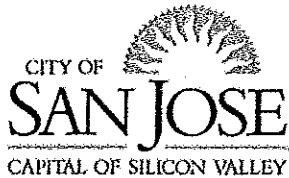
1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--

ADDRESS OF PROPERTY BEING
PROTESTED

299 DALLAS BLVD CAMPBELL CA 95008

ASSESSOR'S PARCEL NUMBER(S)

412-39-021-00

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

299 DALLAS BLVD CAMPBELL CA 95008
412-39-021-00

and is now zoned R1-8 District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

☒ Fee Interest (ownership)

☐ Leasehold interest which expires on _____

☐ Other: (explain) _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Phil Riggs			DAYTIME TELEPHONE #	408-371-5153			
ADDRESS	299 Dallas Drive		CITY	Lambert	STATE	CA.	ZIP CODE	95008
SIGNATURE (Notarized)	[Signature]					DATE	9/23/10	
PRINT NAME				DAYTIME TELEPHONE #				
ADDRESS			CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE		
PRINT NAME				DAYTIME TELEPHONE #				
ADDRESS			CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE		
PRINT NAME				DAYTIME TELEPHONE #				
ADDRESS			CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE		
PRINT NAME				DAYTIME TELEPHONE #				
ADDRESS			CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE		
PRINT NAME				DAYTIME TELEPHONE #				
ADDRESS			CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE		
Use separate sheet if necessary								

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STATE OF CALIFORNIA

COUNTY OF Santa Clara

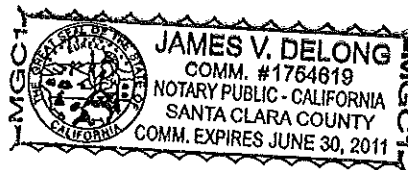
)
) ss.
)

On 9-23-10 before me, James V. DeLong, Notary Public, personally appeared Philip Riggio, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

James V. DeLong
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

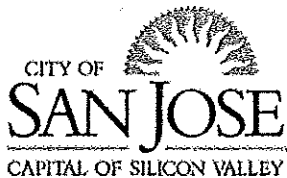
(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-61U		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	311 Dallas Drive Campbell, CA 95008
ASSESSOR'S PARCEL NUMBER(S)	412-39-020
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
311 Dallas Drive Campbell, CA 95008	
APN: 412-39-020	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership)	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Kim Jani</i>	DAYTIME TELEPHONE # <i>(408) 377-6868</i>		
ADDRESS <i>311 Dallas Drive</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Kim Jani</i>			DATE <i>9-27-10</i>
PRINT NAME <i>Jon Jani</i>	DAYTIME TELEPHONE # <i>(408) 377-6868</i>		
ADDRESS <i>311 Dallas Drive</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Jon Jani</i>			DATE <i>9-27-10</i>
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME	DAYTIME TELEPHONE #		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)			DATE

Use separate sheet if necessary.

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STATE OF CALIFORNIA

COUNTY OF

Santa Clara

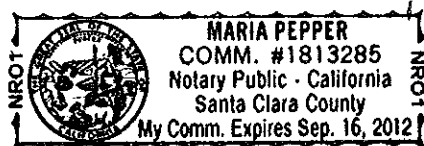
)
) ss.
)

On 9/27/2010 before me, Maria Pepper, Notary Public, personally appeared Kim Jean & Jon Christopher Jani, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010	COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	<u>321 Dallas Dr</u>
ASSESSOR'S PARCEL NUMBER(S)	<u>412-39-019</u>
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> <div style="text-align: center; font-size: small;">Use separate sheet if necessary</div>	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>Private home 3BR 2Ba</u> <u>412-39-019</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION**SIGNATURE(S) OF PROTESTANT(S)**

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	Tony Clements			DAYTIME TELEPHONE #	408 377-3493	
ADDRESS	321 Dallas Dr	CITY	Campbell	STATE	CA	ZIP CODE 95008
SIGNATURE (Notarized)	Tony Clements			DATE	9/22/10	
PRINT NAME	Linda Clements			DAYTIME TELEPHONE #	408/679-1751	
ADDRESS	321 Dallas Dr.	CITY	Campbell	STATE	CA	ZIP CODE 95008
SIGNATURE (Notarized)	Linda Clements			DATE	9/25/10	
PRINT NAME				DAYTIME TELEPHONE #		
ADDRESS		CITY		STATE		ZIP CODE
SIGNATURE (Notarized)				DATE		
PRINT NAME				DAYTIME TELEPHONE #		
ADDRESS		CITY		STATE		ZIP CODE
SIGNATURE (Notarized)				DATE		
PRINT NAME				DAYTIME TELEPHONE #		
ADDRESS		CITY		STATE		ZIP CODE
SIGNATURE (Notarized)				DATE		
PRINT NAME				DAYTIME TELEPHONE #		
ADDRESS		CITY		STATE		ZIP CODE
SIGNATURE (Notarized)				DATE		

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

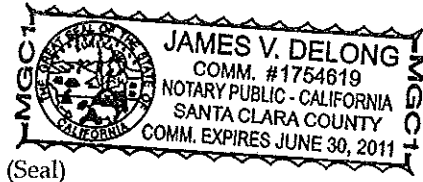
)
) ss.
)

On 9-21-10 before me, James V. Delong, Notary Public, personally appeared Tony Clements, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

James V. Delong
Notary Public



STATE OF CALIFORNIA

COUNTY OF Santa Clara

)
) ss.
)

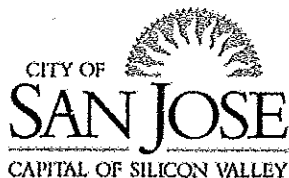
On Sept 25, 2010 before me, DIANE M. JAMES, Notary Public, personally appeared Linda Clements, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public





CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER <i>C10-010</i>		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED <i>922 Stonehurst Way - Campbell, CA</i>	
ASSESSOR'S PARCEL NUMBER(S) <i>412-40-021-00</i>	
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ _____ Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <i>922 STONEHURST Way - Campbell</i> <i>412-40-021-00</i> _____ _____	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION**SIGNATURE(S) OF PROTESTANT(S)**

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>JOHNNIE BUESE ANDRADE</i>		DAYTIME TELEPHONE # <i>(408) 377-2052</i>	
ADDRESS <i>922 STONEHURST WAY</i>		CITY <i>Campbell</i>	STATE <i>CA</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>JOHNNIE B. ANDRADE</i>		DATE <i>9/22/10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

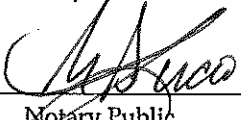
SANTA CLARA

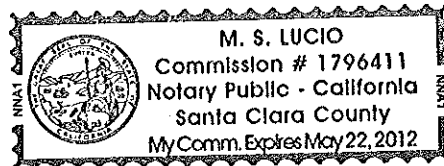
)
) ss.
)

On 9/22/2010 before me, M.S. LUCIO, Notary Public, personally appeared JOANNE BUSSE ANDRADE, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that he/~~she~~ they executed the same in his/~~her~~ their authorized capacity(ies), and that by his/~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Prezoning (File No. C10-010) ("Prezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

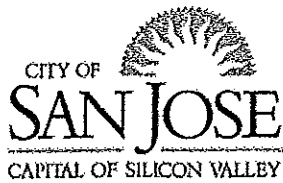
1. Prezoning Paves the Way for Streamlined Annexation Without Protest. The Prezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Prezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Prezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Prezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Prezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		COUNCIL DISTRICT
QUAD #	ZONING	GENERAL PLAN	DATE
REZONING FILE NUMBER			BY

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
* ADDRESS OF PROPERTY BEING PROTESTED 1166 Normandy Dr. Campbell, CA 95008	
ASSESSOR'S PARCEL NUMBER(S) 414-02-056	
REASON OF PROTEST I protest the proposed rezoning because See Attachment A	
Use separate sheet if necessary	
* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) APN 414-02-056 1166 NORMANDY DR. CAMPBELL, CA 95008	
and is now zoned R1-8 District. (in Santa Clara County)	
* The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on <input type="checkbox"/> Other: (explain)	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME	MARIA BENIK	DAYTIME TELEPHONE #	408-377-4034
ADDRESS	1166 Normandy Dr. Campbell	STATE	CA ZIP CODE 95008
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	9/27/10
PRINT NAME	ANDRET BENIK	DAYTIME TELEPHONE #	
ADDRESS	1166 NORMANDY Dr. CAMPBELL	STATE	CA ZIP CODE 95008
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	9/27/2010
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

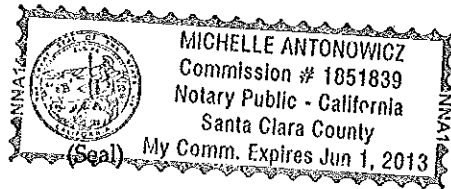
)
) ss.
)

On 9-27-10 before me, Michelle Antonowicz, Notary Public, personally appeared Marie A. Benik & Andre J. Benik, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Michelle Antonowicz
Notary Public



STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

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6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	<u>1st</u> C10-010	COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
ADDRESS OF PROPERTY BEING PROTESTED <u>300 DALLAS DRIVE, CAMPBELL</u>
ASSESSOR'S PARCEL NUMBER(S) <u>412-39-029</u>
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> _____ _____ <div style="text-align: center; font-size: small;">Use separate sheet if necessary</div>
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i> <u>300 DALLAS DRIVE, CAMPBELL</u> <u>PARCEL 412-39-029</u> _____ _____
and is now zoned <u>R1-8</u> District. (in Santa Clara County)
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: <i>(explain)</i> _____ _____ _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.</p>			
PRINT NAME	SCOTT WEITZENKAMP		
DAYTIME TELEPHONE #	408-472-2271		
ADDRESS	300 DALLAS DRIVE	CITY CAMPBELL	STATE CA
			ZIP CODE 95008
SIGNATURE (Notarized)	<i>[Signature]</i>		DATE 9-25-10
PRINT NAME			
DAYTIME TELEPHONE #			
ADDRESS		CITY	STATE
			ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME			
DAYTIME TELEPHONE #			
ADDRESS		CITY	STATE
			ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME			
DAYTIME TELEPHONE #			
ADDRESS		CITY	STATE
			ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME			
DAYTIME TELEPHONE #			
ADDRESS		CITY	STATE
			ZIP CODE
SIGNATURE (Notarized)			DATE
PRINT NAME			
DAYTIME TELEPHONE #			
ADDRESS		CITY	STATE
			ZIP CODE
SIGNATURE (Notarized)			DATE

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF

Santa Clara

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) SS.
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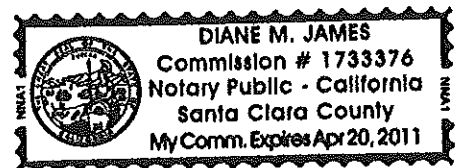
On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Scott M. Weitzenkamp who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diane M. James
Notary Public

(Seal)



STATE OF CALIFORNIA

COUNTY OF _____

)
) SS.
)

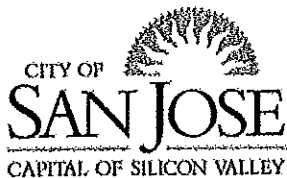
On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)



CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	405 Cartner Ave. Campbell
ASSESSOR'S PARCEL NUMBER(S)	412-39-046-00
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>405 Cartner Ave. Campbell</u> <u>412-39-046-00</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <u>Trust</u> <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Beverly J. Bowden</i>		DAYTIME TELEPHONE # <i>408-377-4117</i>	
ADDRESS <i>405 Cartner Ave.</i>		CITY <i>Ganphell</i>	STATE <i>Ca.</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Beverly J. Bowden</i>		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
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ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
Use separate sheet if necessary			

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

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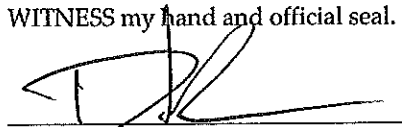
COUNTY OF SANTA CLARA

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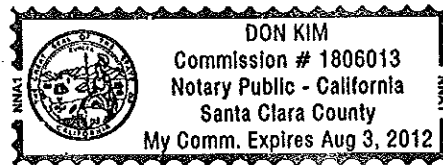
On SEPTEMBER 27 2010 before me, DON KIM, Notary Public, personally appeared BEVERLY J. BOWDEN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public



(Seal)

STATE OF CALIFORNIA

)

) ss.

COUNTY OF _____

)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Prezoning on my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE
Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113-1905
tel (408) 535-3555 fax (408) 292-6055
Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	417 CURTNER AVE.
ASSESSOR'S PARCEL NUMBER(S)	412-39-045-00
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u> Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>417 CURTNER AVE.</u> <u>PARCEL # 412-39-045-00</u>	
and is now zoned <u>R1-8</u> District. (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee Interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____ _____ _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest.pm65/Application Rev. 6/2/2008

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>MARY F. SCRUGGS</i>		DAYTIME TELEPHONE # <i>408-371-0872</i>	
ADDRESS <i>417 CURTNER AVE.</i>	CITY <i>Campbell</i>	STATE <i>Calif.</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Mary F. Scruggs</i>		DATE <i>9-27-10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara

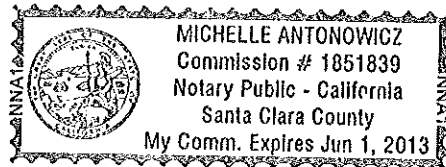
)
) ss.
)

On 9-27-2010 before me, Michelle Antonowicz, Notary Public, personally appeared Mary F. Scruggs, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Michelle Antonowicz
Notary Public



(Seal)

STATE OF CALIFORNIA

COUNTY OF _____

)
) ss.
)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Notary Public

(Seal)

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